



# Gwandalan

PRELIMINARY ENVIRONMENTAL ASSESSMENT  
JUNE 2010

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ALLIED

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# 1 Introduction

This report has been prepared on behalf of Coal & Allied Industries Ltd (Coal & Allied), the owner of the Gwandalan site.

Coal & Allied propose to develop 62.24ha of Gwandalan for residential development with a maximum yield of 623 dwelling lots. The balance of the Gwandalan site (205.75ha or 77%) is proposed to be dedicated to the New South Wales Government (NSWG) for conservation purposes. Other Coal & Allied owned sites in the Lower Hunter region are the subject of similar but separate Part 3A applications to the Department of Planning (DoP). Overall Coal & Allied proposes to dedicate approximately 3,260ha of Coal & Allied land to the NSWG to provide and enhance important conservation corridors identified in the Lower Hunter Regional Strategy (LHRS), Lower Hunter Regional Conservation Plan (LHRCP) and Central Coast Regional Strategy (CCRS).

The purpose of this report is to request that:

1. The Minister for Planning agree to consider the Coal & Allied owned land at Gwandalan as a potential State Significant Site (SSS) for rezoning/listing under Schedule 3 of Statement Environmental Planning Policy (Major Development) 2005 (Major Development SEPP) to facilitate residential development at the site.
2. The Minister for Planning form an opinion under Clause 6 of the Major Development SEPP that the proposal is of a kind described in Group 5 in Schedule 1 (classes of development) of State Environmental Planning Policy - Major Development (2005) (Major Development SEPP).
3. Provided the Minister forms the opinion that the project is one to which Part 3A of the Environmental Planning and Assessment Act, 1979 (EP&A Act) applies, the Minister authorise the proponent to submit a Concept Plan Application for the proposed development.
4. The Director General issues the Director General Requirements to inform an Environmental Assessment to accompany the Concept Plan for the proposed development.
5. The Director General issues the requirements for a State Significant Site Study.

To support the request for the Director General Requirements, this submission includes a Preliminary Environmental Assessment (PEA). This PEA identifies the relevant planning policies and provides a justification for the site to be categorised as being of State or regional environmental planning significance, that Part 3A of the EP&A Act applies and for authorisation of the Concept Plan request. Finally, it provides a brief outline of the anticipated key issues of the proposed development and the approach to address these matters as part of the Environmental Assessment.



## 2 Background

Coal & Allied has been operating in the Hunter Valley for more than 150 years, with the earliest coal mining operations located in the East Maitland area dating back to 1844. Numerous mergers, expansions and acquisitions since then have led to Coal & Allied becoming a regionally significant mining company.

Since 2004 Coal & Allied has been majority owned and managed by Rio Tinto Coal Australia (RTCA). Coal & Allied today is one of the major coal producers in the Hunter Valley, employing around 1,500 people across three operations. With annual coal production of around 30 million tonnes, Coal & Allied continues to evolve as it strives to achieve a vision of being a safe and highly successful business valued by customers, employees, shareholders and the community.

Coal & Allied has seven separate holdings in the Lower Hunter totalling approximately 4,078 hectares. Three are located in the southern area comprising of Gwandalan, Catherine Hill Bay (Middle Camp) and Nords Wharf. Four are located in the northern area comprising of Black Hill, Tank Paddock, Stockrington and Minmi (including land north and south of Link Road). The landholdings are located in four local government areas of Lake Macquarie, Wyong, Newcastle and Cessnock.

Gwandalan adjoins Lake Macquarie State Conservation Area and Chain Valley Bay. Gwandalan is on the western side of Crangan Bay, Lake Macquarie and Nords Wharf is on the eastern side. Catherine Hill Bay and Nords Wharf are located between Wallarah National Park and Munmorah State Conservation Area. Catherine Hill Bay is located on the east coast halfway between Swansea Heads and the Budgewoi Peninsula.

The northern lands are located approximately 20 kilometres west of Newcastle and are almost halfway between Newcastle and Cessnock. The Minmi land adjoins the existing Minmi township and is close to the emerging Glendale Town Centre and the Glendale/Cardiff renewal corridor identified in the Lower Hunter Regional Strategy. These lands are close to the F3 Freeway and Newcastle Link Road transportation corridors. The Minmi lands are adjacent to the Blue Gum Hills Regional Park and Hexham Swamp.

Black Hill is located at the intersection of the F3 Freeway and John Renshaw Drive. Tank Paddock and Stockrington are located east and west of F3 Freeway and fall within the Watagan-Stockton conservation corridors identified in the Lower Hunter Regional Strategy (LHRS) and Lower Hunter Regional Conservation Plan.





## 3 Site Description

### 3.1 Regional and Local Context

Gwandalan is positioned within the Wyong Council Area, and is located approximately 90km north of Sydney and 30km south of Newcastle.

The Gwandalan site is located adjacent to the southern end of the Gwandalan Township, which is situated on the western shore of Crangan Bay at the southern end of Lake Macquarie. The existing township of Gwandalan is characterised by traditional detached housing lots.

Situated between Lake Macquarie and Lake Munmorah State Conservation Areas, Gwandalan forms part of an east – west conservation corridor that links with the Wallarah Peninsula Corridor and provides a natural break between the Central Coast and the Lower Hunter. The Coal & Allied owned land at Gwandalan that is proposed to be dedicated for conservation will play a significant role in securing in perpetual public ownership the east west conservation corridors that will help preserve a significant natural break between the Lower Hunter from the Central Coast.

The proposed land dedication is a positive conservation step that will protect an important array of vegetation communities, flora and fauna species, and natural landscape assets, including threatened species and endangered ecological communities in the conservation lands. The environmental gain from the environmental land offset package is a once in a generation opportunity that will provide an enduring legacy for the community and future generations.

### 3.2 The Site

The Gwandalan site is owned by Gwandalan Land Pty Ltd, a wholly owned subsidiary of Coal & Allied Industries Ltd (Coal & Allied) and the land is contained in two land holdings legally described as Lot 2 DP 1043151 and Lot 57 DP 755266.

The Gwandalan site is approximately 268 ha in area, and includes all the land owned by Coal & Allied located to the south of the existing Gwandalan settlement, east and west of Kanangra Drive.

The land is located in the Wyong Council Local Government Area (LGA).

The site is affected by multiple zonings pursuant to the Wyong Local Environmental Plan 1991, including.

- 5(a) Special Uses Power Station – approximately 60% of the site.
- 7(a) Conservation- approximately 2% of the site.
- 7(b) Scenic Protection- approximately 30% of the site.
- 7(g) Wetlands Management- approximately 8% of the site.

Access to Gwandalan is from Kanangra Drive via the Pacific Highway. A paper road adjoins the site's northern boundary. (A paper road is a road which is unbuilt but has been dedicated and included on the title.)

The Gwandalan site is characterised by a moderate to relatively flat topography with exception of small steep areas at the eastern part of the site along the foreshore and in the southern part of the site associated with Strangers Gully.

There is one existing watercourse, Strangers Gully, within the Gwandalan site with a number of smaller gullies that convey stormwater through to Lake Macquarie.



## 4 Description of the proposal

### 4.1 Overview

It is requested that the Director General issues the requirements for a comprehensive environmental assessment to accompany a proposal for the listing of the Gwandalan site as a State Significant Site under Schedule 3 of the Major Development SEPP and for the lodgement of a concurrent Part 3A Concept Plan application for the entire site.

### 4.2 Concept Plan Application

The Concept Plan for a proposed residential subdivision of the Gwandalan site will apply to the entire 268ha Gwandalan site. The key parameters for the proposed development of the site are as follows:

- Dedication of 205.75ha of conservation land to the NSWG that is identified in the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan, comprising approximately 77% of the Gwandalan site.
- Maximum dwelling yield of 623 dwellings over 62.24ha.
- Indicative development staging.
- The provision of associated infrastructure.
- Torrens title subdivision of the Gwandalan site. The Torrens title subdivision and boundary realignment of Coal & Allied land will enable land, 205.75ha in area that is owned by Coal & Allied to be excised and to be dedicated to NSWG for conservation land.

Approval will not be sought under the Concept Plan for a specific lot or road layout. An indicative lot and road layout will indicate how the maximum dwelling yield of 623 dwellings could be achieved on the site.

Similarly, approval will not be sought under the Concept Plan for subdivision or construction of individual houses. However, the desired future character of the proposed concept plan will be included in Urban Design Guidelines. Urban Design Guidelines will be prepared to inform the Concept Plan in respect of urban form, built form, open space and landscape, access and movement and visual impact for the site.

It is proposed to dedicate land for conservation purposes as part of the Major Project Application via a Voluntary Planning Agreement (VPA) between Coal & Allied and the NSWG in accordance with s.93F of the Environmental Planning & Assessment Act, 1979 (EP&A Act).

The proposed Concept Plan seeks to facilitate residential development that is not permissible under the existing planning provisions and therefore a State Significant Site listing/rezoning is proposed under the Major Development SEPP, which will provide the statutory mechanism for approval of the Concept Plan and associated future development. This is discussed at Section 4.3.

A Plan showing the proposed development areas and conservation areas is shown at **Figure 1**. The proposed Concept Plan for the site is shown at **Figure 2**.

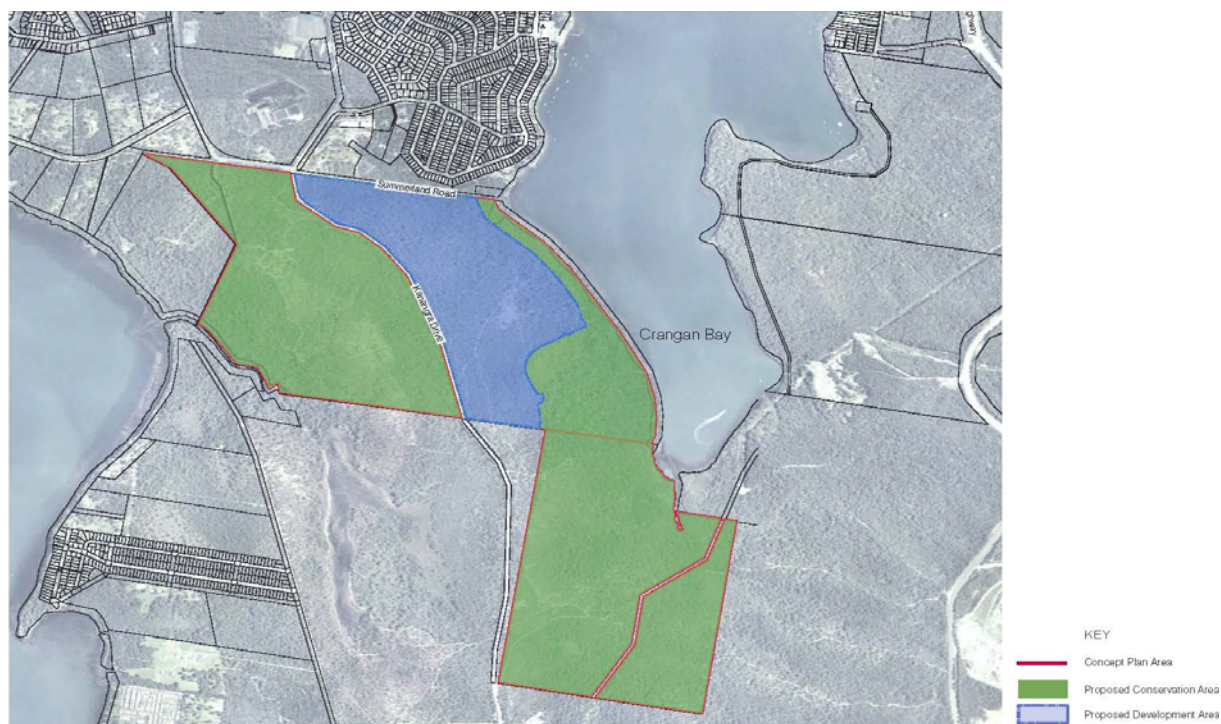


Figure 1 – Proposed Development and Conservation Areas



Figure 2 – Proposed Gwandalan Concept Plan

### 4.3 State Significant Site Listing

It is proposed that the entire Coal & Allied owned Gwandalan site be rezoned/listed as a 'State Significant Site' (SSS) in Schedule 3 of State Environmental Planning Policy (Major Development) 2005. A draft Schedule 3 listing will be prepared with the Concept Plan Application. The proposed zoning for the site is:

- R2 – Low Density to apply to all developable areas with “Additional Permitted Land uses” for attached dwellings; multi dwelling housing, shop top housing and seniors housing. The site is subject to the SEPP (Mining, Petroleum Production and Extractive Industries) 2007.
- E1 – National Parks and Nature Reserves to apply to all land proposed to be dedicated to the NSWG.

It is proposed that the SSS listing/rezoning for the site delineate zones and associated development controls as well as establish the future approval/consent authority regimes. This will set in place what areas are to be developed and what areas are to be conserved and the future planning controls that will apply.

A new planning regime is required to rezone the sites to upgrade the permissible land uses and to enable the development of the site for residential uses.

It is proposed that the Schedule 3 amendment to the Major Development SEPP introduce a new statutory planning framework for the Gwandalan site that includes:

- Aims and objectives for each site.
- Zoning and permissible uses.
- Key development controls.
- The future consent/approval regime.





## 5 Relevant Planning Instruments and Controls

The project has already been referred to the Commonwealth, Department of Environment, Water Heritage & the Arts (DEWHA) pursuant to the *Environment Protection and Biodiversity Conservation Act 1999* with approval granted by the Minister on 23 March 2010.

### 5.1 Relevant Planning Provisions & Policies

The following current and draft state, regional and local planning controls and policies apply to the site:

- Central Coast Regional Strategy.
- Lower Hunter Regional Strategy;
- Lower Hunter Regional Conservation Plan;
- NSW Coastal Policy;
- Coastal Design Guidelines for NSW;
- SEPP Major Development;
- SEPP 71 - Coastal Protection;
- SEPP 14 - Coastal Wetlands;
- SEPP 44 - Koala Habitat Protection;
- SEPP 11 - Traffic Generating Developments;
- SEPP 55 - Remediation of Land;
- SEPP (Mining, Petroleum Production and Extractive Industries) 2007;
- SEPP Building Sustainability Index;
- SEPP (Infrastructure) 2007
- Review of Infrastructure Contributions Planning Circular PS08-017; and
- Wyong Local Environmental Plan 1991.

### 5.2 Existing Zoning Provisions

Wyong Local Environmental Plan 1991 (WLEP 1991) applies to the site, which zones the site as follows.

- 5(a) Special Uses- approximately 60% of the site
- 7(a) Conservation- approximately 2% of the site
- 7(b) Scenic Protection- approximately 30% of the site
- 7(g) Wetlands Management- approximately 8% of the site

The proposed residential development is prohibited under the provisions of WLEP 1991. It is noted that 60% of the site, including the land proposed to be developed is currently zoned 5(a) Special Use Power Station. It is also noted that the 5(a) Special Use Power Station Zone applies to the land on the western side of Kanangra Drive, which Coal & Allied is proposing to rezone for conservation purposes.

The objectives of the 5(a) zone are:

- to cater for the provision of community and public facilities and services, and

- to provide for any other development of land within this zone, with the consent of the Council, provided that:
  - the other development is ancillary to or related to the current or future use of the land for the purpose of a community or public facility or service, and
  - the other development does not adversely affect the current or future usefulness of the land for the purpose of those facilities or services.

Development for any purpose is permitted with development consent on the site provided it is compatible with the zone objectives (i.e. to allow for community or public facilities). Thus, although this land has been recognised as providing a green buffer, its current zoning under Wyong LEP 1991 allows for development for any purpose provided it is compatible with the zone objectives. In this regard it is important to note that whilst ever the land remains in private ownership and is zoned 5(a) Special Use – Power Station the potential exists for it to be used or developed for purposes other than conservation. The proposed SSS listing for Gwandalan will facilitate the rezoning of the land west of Kanangra Drive zoned from 5(a) Special Use Power Station to E1 – National Parks and Nature Reserves, the highest level of conservation zoning available under the Standard Instrument – Principal Local Environmental Plan. The proposed dedication of this land to NSWG will ensure that this land is locked away permanently and protected as conservation land in perpetuity. This is a significant gain to the community.

The proposed development of Gwandalan will achieve the overall general objectives of enhancing the conservation values of the Lake Munmorah and Lake Macquarie State Conservation Areas. Future development will be designed to integrate with the natural bushland surroundings and will implement sustainable water cycle management infrastructure to minimise potential impacts in respect to the quality of surface water, groundwater and nearby water bodies.

As discussed, the proposed Concept Plan seeks to facilitate residential development that is not permissible under the existing planning provisions and therefore the State Significant Site listing/rezoning is proposed under the Major Development SEPP, which will provide the statutory mechanism for approval of the Concept Plan and associated future development.

### 5.3 Central Coast Regional Strategy

The Central Coast Regional Strategy (CCRS) is the Government's blueprint for sustainable growth in the region until 2031. Its overarching purpose is to ensure that adequate provision is made to sustainably accommodate the projected housing, employment and environmental needs of the Region's population until 2031. It is the principal document upon which Environmental Planning Instruments and major land use and development decisions in the Central Coast Area should be based.

The NSW released the final CCRS on June 2008. The CCRS identifies the Coal & Allied Gwandalan land for proposed development and conservation. The proposal is entirely consistent with the CCRS.

It is considered that the proposed development and conservation of the Gwandalan land in the manner proposed by the Concept Plan is entirely consistent with the CCRS and will facilitate the achievement of its key aims by contributing to future housing provision and land conservation.

### 5.4 Lower Hunter Regional Strategy

The Lower Hunter Regional Strategy (LHRS) is the key planning policy to guide the growth in the Lower Hunter to 2031 by identifying future development areas, principal land use types, settlement patterns and conservation outcomes. It is the principal document upon which Environmental Planning Instruments and major land use and development decisions in the Lower Hunter should be based.

The NSWG released the final LHRS on 17 October 2006. It is understood that Cabinet re-endorsed it in December 2009. The LHRS plans for population growth of 160,000 people by the year 2031.

Although the site is located in the Central Coast, the LHRS identifies the Gwandalan site for proposed urban development and proposed conservation land dedications. The proposal is entirely consistent with the LHRS.

The proposed residential development of the Gwandalan site will assist in achieving the forecast growth in the Lower Hunter. Whilst geographically separate they will make a significant contribution to the overall growth of the Lower Hunter region.

The securing, protection and management of conservation corridors is a key focus of both the LHRS and the companion Lower Hunter Regional Conservation Plan. The proposed development of 62.24ha of land at Gwandalan and proposed conservation land dedication of 205.75ha of land at Gwandalan is crucial in achieving the State Government's objective of securing major conservation corridors identified in the LHRS. The proposed development of the Gwandalan site and proposed land dedication is an integral element of the LHRS.

### 5.5 Lower Hunter Regional Conservation Plan

The Lower Hunter Regional Conservation Plan (LHRCP) provides a focus for conservation efforts until 2031 by identifying priority biodiversity areas in the Lower Hunter. As discussed, the securing, protection and management of conservation corridors is a key focus of the LHRCP. The proposed dedication of 205.75ha of the Coal & Allied owned Gwandalan for conservation purposes as an offset for development of 62.24ha of Gwandalan is crucial in achieving the state government's objective of securing major conservation corridors and providing a green inter-regional buffer between the Central Coast and the Lower Hunter.



## 6 Requirements of Environmental Planning & Assessment Act 1979 and Major Development SEPP 2005

### 6.1 Class of Development/Capital Investment Value

Schedule 1, Clause 13 of the Major Development SEPP lists the types or classes of development that may be considered as Part 3A projects.

The relevant type or class for this project is listed in '*Group 5 - Residential, commercial or retail projects*' and as provided below:

- (1) *Development for the purpose of residential, commercial or retail projects with a capital investment of more than \$100 million.*
- (2) *This clause does not apply to major development within the meaning of section 31 of the City of Sydney Act 1988.*

The Capital Investment Value (CIV) for Gwandalan, as defined in the Major Development SEPP, has been determined by Davis Langdon and their assessment of the CIV for the project is **\$149 million**. A copy of the advice is included at **Appendix A**.

The proposed development for Gwandalan for residential purposes is therefore clearly is of a kind that satisfies the definition of a 'residential project' and may be considered as a Part 3A Project.

### 6.2 Demonstration of Planning Merit

Given the size and complexity of the proposal, a Concept Plan for Gwandalan would enable key site parameters associated with land use, infrastructure delivery and timing, and environmental conservation to be resolved up front, with subsequent detailed stages being submitted for approval as the site develops progressively.

Under the provisions of the Environmental Planning and Assessment Regulation 2000, The Minister has discretion to determine whether or not to authorise a Concept Plan to be accepted under Part 3A of the EP&A Act if any part of the project would otherwise be prohibited by an environmental planning instrument.

The current LEP affecting Gwandalan does not support the proposed residential development. Therefore, to assist the Minister's consideration of the proposal and authorise the proponent to submit a Concept Plan Application for the proposed development at Gwandalan sections 5.3, 5.4 and 5.5 of this report seeks to demonstrate the planning merits of the project having regard to the relevant strategic planning policies.

### 6.3 State and Regional Planning Significance

The Department of Planning's (DoP's) 'Guideline for State Significant Sites under the Major Development SEPP', provides that when considering whether a site can be categorised as being of State significance, the Minister will consider whether the site meets one or more of the following criteria:

- (a) *be of regional or state importance because it is in an identified strategic location (in a State or regional strategy), its importance to a particular industry sector, or its employment, infrastructure, service delivery or redevelopment significance in achieving government policy objectives; or*
- (b) *be of regional or state environmental conservation or natural resource importance in achieving State or regional objectives. For example protecting sensitive wetlands or coastal areas; or*

*(c) be of regional or state importance in terms of amenity, cultural, heritage, or historical significance in achieving State or regional objectives. For example sensitive redevelopment of heritage precincts; or*

*(d) need alternative planning or consent arrangements where:*

*(i) added transparency is required because of potential conflicting interests.*

*(ii) more than one local council is likely to be affected.*

It is considered that the proposal for Gwandalan meets criteria (a), (b) and (d).

### 6.3.1 Criteria (a) of the SSS Guidelines

Criteria (a) of the SSS Guidelines states that a site can be categorised as being of State significance if the Minister considers it to be of regional or State importance because it is in an identified strategic location (in a State or regional strategy), its importance to a particular industry sector, or its employment, infrastructure, service delivery or redevelopment significance in achieving government policy objectives.

The Coal & Allied owned Gwandalan site has been recognised for its State and regional significance based on the inclusion in the CCRS and LHRS for urban development and conservation.

Coal & Allied propose to develop 62.24ha of Gwandalan for residential development with a maximum yield of 623 dwelling lots. The balance of the Gwandalan site (205.75ha or 77%) is proposed to be dedicated to the NSWG for conservation purposes. The land that is proposed to be dedicated to NSWG for conservation purposes will provide and enhance vitally important conservation corridors identified in the CCRS, LHRS and Lower Hunter Regional Conservation Plan.

The proposed dedication of land to the NSWG for conservation purposes will significantly contribute to ensuring that a natural green break between the Central Coast and the Lower Hunter is retained in perpetuity. This is quite clearly of significant regional and State importance.

The proposal for Gwandalan is considered to meet the criteria for a State Significant Site both as an individual parcel and as an integral part of the proposed overall Coal & Allied environmental land package that will achieve substantial conservation outcomes through land dedication as set out in the CCRS, LHRS and Lower Hunter Regional Conservation Plan.

Furthermore, the proposed 623 dwellings at Gwandalan will help achieve the State Government's objective to cater for the predicted population growth for the Region until 2031.

In our opinion, the proposal for Gwandalan satisfies criteria (a) of the SSS Guidelines.

### 6.3.2 Criteria (b) of the SSS Guidelines

Criteria (b) of the SSS Guidelines states that a site can be categorised as being of state significance if the Minister considers the site to be of regional or state environmental conservation or natural resource importance in achieving State or regional objectives.

As stated, the securing, protection and management of conservation corridors for conservation and biodiversity is a key focus of the LHRS and the companion Lower Hunter Regional Conservation Plan. Coal & Allied is proposing to dedicate approximately 205.75ha of Gwandalan (77% of the site) to the NSWG as 'conservation land'. This land will provide a significant contribution to the creation of two major north-south and east-west conservation corridors contiguous with Lake Macquarie State Recreation Area and Munmorah State Forest.

Coal & Allied are also proposing to dedicate approximately 116.6ha of the Nords Wharf site and approximately 526.58ha of Catherine Hill Bay (Middle Camp) to the NSWG as 'conservation land' as part of separate Part 3A applications to provide an important component of the Wallarah Peninsula Corridor. The proposed Coal & Allied land dedications will clearly help expand and enhance the biodiversity and conservation values of the Wallarah Peninsula Conservation Corridor.



The 205.75ha of Gwandalan that is proposed to be dedicated for conservation provides a substantial area of contiguous vegetation, some of which has state and regional ecological value. The proposed dedication of land to NSWG will also ensure that a substantial and significant land parcel will be protected from inappropriate development by locking away this land as 'conservation land' in public ownership and perpetuity. The environmental gain from the proposed dedication is a once in a generation opportunity that will provide an enduring legacy for the community. The proposed dedication of 205.75ha of the Gwandalan site for conservation purposes to the NSWG by Coal & Allied is clearly of state and regional significance.

Importantly the proposal for the Gwandalan site will also result in the protection of:

- Sensitive lake foreshore areas by limiting development along the lake foreshore;
- Ecologically endangered communities; and
- Areas of aboriginal cultural significance.

In our opinion, the proposal for Gwandalan clearly satisfies criteria (b) of the SSS Guidelines.

### 6.3.3 Criteria (d) of the SSS Guidelines

Criteria (d) of the SSS Guidelines states that a site can be categorised as being of State significance if the Minister considers that the site needs alternative planning or consent arrangements where:

- Added transparency is required because of potential conflicting interests; and
- More than one local council is likely to be affected.

Alternative planning consent arrangements are necessary because the Gwandalan land forms an important part of an overall environmental land offset package proposed for the Lower Hunter by Coal & Allied which includes seven Coal & Allied owned sites in the Lower Hunter and spans four local government areas (Wyong, Newcastle, Lake Macquarie and Cessnock Councils). This creates complications given the likely differing views of the respective Councils as to how and whether or not the proposals for each site should proceed. Separate consent arrangements are unlikely to enable an appropriate conservation and land use framework to be achieved in a timely, effective and efficient manner. All the Coal & Allied sites, including Gwandalan need to be considered in a regional context rather than a Council-by-Council basis to allow for the coordinated protection of priority areas of biodiversity. This will result in a more targeted conservation action, than an uncoordinated approach to the sites.

It is therefore important that Gwandalan be considered in a coordinated manner by NSWG to achieve permanent preservation of the green conservation corridor between the Lower Hunter and Central Coast. Given the overall environmental land offset package proposed for the Lower Hunter by Coal & Allied spans four local government areas, the environmental gains to the community would not be achieved if each site was separately considered by the individual Councils.

In our opinion, the proposal for Gwandalan clearly satisfies criteria (d) of the SSS Guidelines.

In summary, the proposed residential development and proposed conservation land dedication of Gwandalan clearly meets the criteria of the SSS Guidelines as outlined above. The listing of the site on Schedule 3 of the Major Development SEPP will facilitate the orderly use, development and conservation of regionally important sites of environmental and social significance to the State.



## 7 Preliminary Environmental Assessment

This section of the report has been prepared to assist the Director General in identifying the likely general and key environmental issues to be addressed as part of the project.

### 7.1 Strategic Justification

As stated the CCRS and LHRS identifies the site for proposed urban development and proposed conservation land dedications. The proposal is entirely consistent with the CCRS and LHRS.

The Environmental Assessment to accompany the Concept Plan will provide adequate strategic justification for the proposal. The site is one of the four Coal & Allied owned sites proposed for residential development which will assist in achieving the forecast growth in the Lower Hunter.

The securing, protection and management of conservation corridors is a key focus of the CCRS, LHRS and the companion Lower Hunter Regional Conservation Plan. The proposed development of 62.24ha of land at Gwandalan and proposed dedication of 205.75ha of land at Gwandalan is crucial in achieving the State Government's objective of securing major conservation corridors identified in the CCRS and LHRS and providing a green inter-regional buffer between the Central Coast and the Lower Hunter.

### 7.2 Compliance with Statutory Plans

The Environmental Assessment to accompany the Concept Plan will consider all the relevant Acts, Regulations, State and Regional Environmental Planning Policies, Regional Strategies and Plans, applicable planning instruments, relevant legislation and policies.

The current local planning policies affecting Gwandalan do not support the proposed residential development. A new planning regime is therefore required to facilitate the development of the site for residential purposes. The Concept Plan will be lodged concurrently with an application for an amendment to Schedule 3 of the Major Development SEPP to rezone/list the site as a State Significant Site.

### 7.3 Cumulative Impacts

Potential cumulative impacts from the proposed Coal & Allied development at Gwandalan, Nords Wharf, Catherine Hill Bay (Middle Camp) such as traffic, impact on crown land, heritage and loading of service infrastructure will be considered and addressed as part of the Environmental Assessment supporting the Concept Plan.

### 7.4 Urban Design and Built Form

Urban Design Guidelines will be prepared as part of the Concept Plan which will provide appropriate objectives and controls for which future development must adhere. These guidelines will have consideration to the Coastal Design Guidelines for NSW, NSW Coastal Policy 1997 and Crime Prevention through Environmental Design (CEPTD) principles. Draft Statement of Commitments will also be prepared which will commit future residential development to adhere to the Urban Design Guidelines.

### 7.5 Coastal Foreshore and Public Access

The Environmental Assessment for the site will outline measures to protect and enhance existing public access through the site to and along the foreshore and provide, where appropriate, new opportunities for public access that is compatible with the natural attributes of the coastal foreshore.

The Concept Plan provides an appropriate setback to the lake foreshore. The proposed setback will:

- protect sensitive lake foreshore areas by ensuring that the development does not contribute to lake edge erosion;
- protect Aboriginal cultural heritage (middens) located in the foreshore which is a key principle underlying the NSW Coastal Policy;
- retain the extensive vegetation cover on the bank of Crangan Bay adjacent to the foreshore for ecological reasons; and
- protect the scenic and visual amenity of the opposing shorelines.

Public access is proposed along the lake foreshore as part of the proposed development and conservation lands dedication. This is entirely in accordance with the key actions of the NSW Coastal Policy to increase opportunities for public access to coastal foreshore areas. Given that currently there is no public access or public owned land along the Lake Macquarie foreshore south of Summerland Road, the proposed dedication of foreshore land to the NSWG will be of significant public benefit.

## 7.6 Flora and Fauna Impact

An Ecological Assessment Report will be submitted with the Concept Plan to address the impact of the development on threatened species and their habitat having regard to the Department of Environment, Climate Change and Water (DECCW's) "*Threatened Species Assessment Guidelines*" and will outline detailed measures proposed to avoid or mitigate impacts on threatened species and their habitat.

Although the proposal will result in the removal of intact vegetation, a considerable amount of time has been spent on determining the location of the proposed developable area to ensure it is concentrated in already disturbed environs and that ecological impacts across the Gwandalan site are minimised where possible.

The large tracts of native vegetation in the proposed conservation land will provide habitat for a wide variety of native flora and fauna and are important to achieving long term regional biodiversity outcomes in the Lower Hunter region as outlined within the LHRS and the LHRCP. The diverse nature of the landform settings to be conserved, varying from coastal ranges forests and woodlands to coastal heath to wetlands, provides a diverse array of habitats and resources for native fauna. The proposed conservation land is known to contain important populations of numerous threatened fauna species, including birds, mammals and herpetofauna. The proposed conservation of this land will provide secure regional biodiversity gene pools, and also through linkages facilitate valuable genetic material exchange and other key processes associated with sustainable ecological population dynamics.

Given that measures have been taken to avoid any development in particularly sensitive areas where practical (such as the ecologically significant Strangers Gully, including an occurrence of the highly restricted vegetation community - Coastal Wet Sand Cyperoid Heath) and considering the large area of conservation land that is proposed to be set aside as part of the proposed development, overall it is considered that the proposal will provide positive ecological outcomes across the entire Gwandalan site.

The Environmental Assessment will include rigorous field survey and associated reporting that complies with relevant guiding policy and legislation in a suitable scientific format. For further details refer to Appendix B.

## 7.7 Traffic and Transport

Hyder has reviewed available data and anticipates that the following traffic issues are likely to form the basis of future examination of traffic and transport for Gwandalan development. They are:

- Journey to Work data indicates that journeys to and from work for Gwandalan residents was predominantly by private car (87%) with Lake Macquarie, Wyong and Newcastle LGAs the principal destinations. Travel by public transport amounted to a further 5% of trips, while other modes such as walking or cycling constituted the remaining 8% of trips.

- The crash data indicates, in the last six years the number of recorded crashes was 184 being 134 crashes on Pacific Highway and 50 crashes on Kanangra Drive. The proposed development is unlikely to have significant impact on the number or severity of crashes.
- Recent traffic survey data indicates Kanangra Drive carried about 7,100 to 7,500 vehicles per day. The data suggests Kanangra Drive has no current major capacity problems, including the Kanangra Drive traffic signals at Pacific Highway.
- The proposed Gwandalan development will generate in the order of 394 peak hour two way trips. The additional traffic generated by the proposed Gwandalan development in conjunction with cumulative growth from other proposed development will impact the performance of Pacific Highway and Kanangra Drive signals.

The issues identified above can be addressed as part of the Environmental Assessment. For further details refer to Appendix C. In summary, a Traffic Study will be prepared to accompany the Concept Plan in accordance with RTA's Guide Traffic Generating Developments that includes (but is not limited to) the following:

- Identification of all relevant vehicular traffic routes and intersection for access and egress.
- Current traffic counts for all of the above traffic routes and intersections.
- The anticipated vehicular traffic generated from the proposed lots.
- Consideration of the traffic impact on the existing intersections and the capacity of the Pacific Highway to safely and efficiently cater for the additional vehicular traffic generated.
- The issue of single access in and out of Gwandalan and Summerland Point
- An analysis of the cumulative traffic and transport impacts of this development on the existing township and taking into consideration other proposed developments.
- Traffic analysis, using SIDRA or similar traffic model, for the relevant intersections including:
  - Current and traffic growth projects for the life of the project,
  - 95th percentile back of queue lengths, and
  - Delays and level of service on all legs.

## 7.8 Mine Subsidence, Former and Future Mining Activities

A Geotechnical, Contamination and Mine Subsidence Report will be submitted with the Concept Plan, which will:

- Identify the requirements of previous consents, approvals, lease arrangements, and current legal and financial responsibilities in relation to the mine operation and closure and the impact approvals will have on these arrangements;
- Provide a risk analysis examining the risk factors associated with the former mining use of the site and what effects it may have on future development; and
- Investigate the impacts of future mining activities.

Review of record traces of mine workings indicate that the site is underlain by workings in two seams, the Wallarah and the Great Northern seams. The mine subsidence risk assessment will assess the potential effects of the former mining on the proposed development. This risk assessment will include the following:

- Review of Mine Subsidence Board (MSB) and Department of Industry and Investment (DII) records relating to the mining.
- Mapping of former mining relative to the site.

- Identification of mine stability mechanisms for the site, associated risks and potential subsidence.
- location and assessment of the condition of shaft and tunnel entry capping/backfilling.
- Potential development restrictions.
- Remedial measures, if required.

The potential for future mining below the site will also be considered as part of the Environmental Assessment. It is noted that Lake Coal Pty Ltd has recently lodged a PEA with the Department of Planning (DoP) seeking Major Project Approval from the Minister of Planning under Part 3A of the EP&A Act 1979 for underground mining operations at the Chain Valley Colliery. The proposed underground mining area extends beneath the Coal & Allied owned Gwandalan site. Mining is also proposed under existing residential development at Summerland Point and Gwandalan. The Environmental Assessment will adequately demonstrate how coal may be extracted from beneath the site of the proposed residential development in accordance with the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries)* 2007.

The Environmental Assessment, Draft Statement of Commitments and a Building Height Map will also detail how future development will comply with any MSB requirements and respond to any mining constraints. For further details refer to **Appendix D**.

## 7.9 Geotechnical and Contaminated Land

A Geotechnical, Contamination and Mine Subsidence Report will be prepared to support the Concept Plan, which will provide details on whether contaminated soils are likely to be disturbed during the proposed works and what measures are to be adopted to protect human health and the environment, and if necessary remediate or dispose of the contaminated material.

Former activities at the site include clearing of parts of the site as well as unauthorised dumping of material. Therefore there is potential for the presence of soil contamination associated with these activities. A preliminary contamination assessment will be provided in accordance with SEPP 55 and relevant DECCW Guidelines to provide the following information:

- Presence of contaminated soils.
- Additional investigation requirements.
- Remedial measures required, if any, to protect human health and the environment with respect to the proposed development.

Reference to the Acid Sulphate Soil Risk Map prepared by the Department of Land & Water Conservation indicates that there is an area of high probability acid sulphate soil (PASS) across the eastern portion of the site only. The acid sulphate soils mapped are within estuarine soils within 1 metre of the ground surface. The site also contains minor slopes and there may be some risk of slope instability. Therefore the following information/assessment will be provided as part of the Geotechnical, Contamination and Mine Subsidence Report:

- Delineation of the extent, depth and nature of filling across the site.
- Extent, depth and nature of soft unsuitable soils in alluvial areas.
- Presence of acid sulphate soils, soil aggressivity and erosion potential of soil.
- Slope stability.

These issues will be assessed and general guidelines provided for appropriate management of any issues with respect to the proposed development. For further details refer to **Appendix D**.



## 7.10 Heritage

A Heritage Impact Assessment (HIA) will be prepared and submitted with the Concept Plan in accordance with NSW Heritage Office guidelines. The HIA will assess the heritage significance of the site and area and any impacts the proposed development may have upon this significance. The HIA will address the requirements set out in DECCW's "*Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation*".

Previous investigations have determined that the site does not have any inherent European historic heritage value nor does it contain items of historical heritage.

There are currently no known Aboriginal heritage constraints to the proposed development footprint. However, the limited development currently on this area indicates that there is a potential for undisturbed or intact Aboriginal heritage sites within it.

Previous investigations have determined that the proposed development at Gwandalan has the potential to impact on the Aboriginal heritage values of the foreshore area. A midden site has been recorded along the foreshore adjacent to the proposed development footprint. Initial observations suggest that the midden is one of the larger and more intact middens remaining around Lake Macquarie. The exact location and extent of the midden site will be confirmed in the HIA to determine if it will be impacted by the proposed development.

Furthermore, the HIA and Draft Statement of Commitment that will accompany the Concept Plan will detail mitigation measures to ensure any potential impacts to areas of "aboriginal heritage significance" will be avoided or minimised to an acceptable level. For further details refer to **Appendix E**.

## 7.11 Utilities and infrastructure

An Infrastructure Report will be prepared to:

- Identify and assess the capacity of existing utility and infrastructure servicing the site; and
- Identify and assess any necessary augmentation works to service the site and whether these works can sustain this.

Preliminary analysis has identified that the source of electricity supply for the site will be the existing substation at Lake Munmorah or a new zone substation to be constructed. Summerland Point Sewer Treatment Plant (STP) has the capacity to accommodate the proposed development with no need for additional augmentation works. However, preliminary analysis has identified that because of the topography of the site, pumping stations and associated rising mains may need to be constructed by the developer to drain the site to the STP. The water main in Kanangra Drive has sufficient capacity to service the proposed development. The closest gas main is located at Doyalson which is too far for the site to augment this facility. Therefore, it is anticipated that gas mains will not be feasible for this site given the long distance to existing supplies. Key Service Authorities will be consulted as part of the Environmental Assessment to identify and assess issues relating to:

- Existing infrastructure and capacity.
- Current proposals for upgrade and/or augmentation of existing infrastructure.
- Requirements for infrastructure upgrade/duplication.
- Staging of the proposed development and impacts upon any existing capacity and/or proposed upgrades to infrastructure.

The Concept Plan will be accompanied by Draft Statement of Commitments which will detail the scope and timing of contribution for or delivery of necessary infrastructure and other matters. For further details refer to **Appendix F**.

## 7.12 Drainage, Stormwater Management, Climate Change, Marine Environment and Flooding

The site is drained by Strangers Gully, and several smaller gullies draining to Lake Macquarie. The land generally slopes east towards Lake Macquarie and portions of the site discharges to Lake Macquarie via dispersed overland flow.

A Water Sensitive Urban Design (WSUD), Stormwater Management Assessment and Marine Baseline Assessment will be submitted with the Concept Plan which will quantify and identify the management facilities to manage stormwater from the site, before discharge to the receiving environment. The studies will also demonstrate that the design criteria and appropriate guidelines are met, and present a plan for management of stormwater runoff. In addition, a guide to future monitoring of the marine environment associated with the site will be provided.

The Environmental Assessment will deal with climate change and flooding. Flooding associated with Lake Macquarie is a risk that needs to be considered and managed, in accordance with the NSW Floodplain Development Manual, 2005. Flooding associated with predominantly floodwaters backing onto the site will also need to be considered. The flood study will define existing flood regimes and will determine flood levels extents, flow velocities. In particular the flood study will define flooding for the 100-year ARI event to inform development levels and other infrastructure requirements and the Probable Maximum Flood to define flood liable land and inform flood evacuation planning. The flood study will be prepared in accordance with the NSW Floodplain Development Manual 2005 and will consider Climate Change impacts on rainfall intensity and volume together with sea level rise impacts on downstream backwater flooding.

The Environmental Assessment will also consider the existing groundwater flow regimes on site and the potential impacts of the proposed development on groundwater flow and quality, in particular with respect to any Groundwater Dependency Ecosystems which may be present. For further details refer to **Appendix D and G**.

## 7.13 Ecologically Sustainable Development

An ESD Report will be prepared for Gwandalan. The report will demonstrate that the project can commit to ESD principles in the design, construction and operational phases of the development.

The ESD design outcomes will be achieved through the Urban Design Guidelines for the site which will include sustainability principles for which future development must adhere. The ESD Construction outcomes will be achieved through the development and implementation of a Construction Management Plan (CMP). ESD operation outcomes will be achieved through a comprehensive reporting and monitoring process that will be addressed in the CMP.

In summary, the proposed development of 62.24ha of Gwandalan and the proposed dedication of 205.75ha of land at Gwandalan provides the opportunity to create new communities for the Central Coast region and in doing so, implement key objectives of the CCRS, LHRS and LHRCP associated with accommodating sustainable population and employment growth and environmental outcomes. For further details refer to **Appendix H**.

## 7.14 Energy Savings

An Energy and Water Savings Action Plan for Gwandalan will be prepared to address both energy and water from a householder's perspective not from a developer's perspective. This approach is consistent with Coal & Allied's development approach, that of selling freehold lots.

The Energy and Water Savings Action Plan will demonstrate that the proposed future 623 dwellings at Gwandalan can achieve BASIX energy and water compliance. For further details refer to **Appendix H**.

## 7.15 Visual Impact

The Environmental Assessment will address visual impacts of the project in the context of adjoining development, impact on any heritage items (on-site or in the vicinity) and the proposed development as viewed from publicly accessible areas and the natural environment.

The Concept Plan will be designed to:

- To protect the scenic resources of the waterways.
- Mitigate inappropriate visual impacts from the waterways and opposing shorelines.
- Minimise impact from public foreshores and roads and existing residents.

In summary, the proposal will protect the scenic and visual amenity of the opposing shorelines. The development area is sufficiently setback from the waters edge and has a buffer of trees between it and the water. The change in level and the extent of existing trees will ensure that there is very limited visibility of the proposed development from the opposing shorelines. In addition, a vegetated buffer to Kanangra Drive will visually screen the development from Kanangra Drive, as well as protecting the amenity of future residents.

## 7.16 Bushfire

A Bushfire Threat Assessment will be submitted with the Concept Plan, which will demonstrate compliance with the current version of Planning for Bush Fire Protection and Australian Standard 3959 (Building in Bush Fire Prone Areas). It will also identify ongoing management arrangements of any proposed Asset Protection Zones (APZs).

The Gwandalan site constitutes Bushfire Prone Land. Planning for the proposed residential development estate will therefore take into consideration bushfire planning principles to minimise the overall risk to life and property, consistent with the relevant guidelines and specifications. These principles will be reflected in the design of the overall Concept Plan with specific measures such as the location and extent of APZs determined. For further details refer to **Appendix I**.

## 7.17 Acoustic Impact

An Acoustic Report will be submitted with the Concept Plan. The Acoustic Report will address noise emission from external sources potentially impacting the proposed residential subdivision of the Gwandalan site including:

- Kanangra Drive –located along the western boundary of the site.
- Gwandalan Sewage Treatment Plant – operated by Wyong Shire Council, is located approximately 200 metres to the north west of the site.
- Wyong Pistol Club – located on Kanangra Drive, approximately 1,800 metres south of the site.

The Acoustic Report will also address potential noise impacts as a result of the proposed development on the site including:

- Potential noise impact from mechanical plant (air conditioner units, exhaust fans etc) associated with the proposed residential subdivision onto residences within the subdivision.

Noise generated by boating activity on Lake Macquarie is considered to be characteristic of the area, and within the expectations of potential future residents. There are no specific guidelines for assessing noise from boating activity and therefore this will not be assessed as part of the Environmental Assessment. For further details refer to **Appendix J**.

## 7.18 Impact on Crown Land

The environmental assessment will identify potential direct and indirect impacts arising from the proposed development on the adjacent Munmorah State Conservation Area, Point Wolstoncroft State Recreation Area and Lake Macquarie State Recreation Area.

In summary, the proposed dedication of 205.75ha of Gwandalan for conservation purposes presents a significant opportunity to extend existing state conservation areas and create significant contiguous area of important conservation land in public ownership under the care and control of National Parks & Wildlife Service (NPWS). The large tracts of native vegetation that are proposed to be dedicated to the NSWG will provide habitat for a wide variety of native flora and fauna. This will make a significant contribution to achieving key biodiversity outcomes in accordance with the CCRS, LHRS and LHRCP.

## 7.19 Planning Agreements/Developer Contributions

The environmental assessment will identify and address the additional demand created by the proposed development on existing public transport, open space and recreation facilities, including retail facilities and other social and community facilities. A Social Infrastructure Report will be prepared and submitted with the Concept Plan, which will provide a comprehensive schedule of social infrastructure requirements for the site. For further details refer to **Appendix K**.

A Draft Statement of Commitments will be prepared to support the Concept Plan detailing the various contributions, additional studies, etc the proponent commits to undertake in association with the project. This may involve the implementation of various Voluntary Planning Agreements (VPAs) between Coal & Allied, NSWG, other agencies and relevant Councils for matters such as community, regional and local infrastructure.

## 7.20 Staging

Consideration will be given to the staging of the proposed development at Gwandalan in the Environmental Assessment. The number of lots and extent of staging for release areas will be largely dictated by the service infrastructure requirements as well as responding to market forces

## 7.21 Site Suitability

The suitability of the site for the proposed residential development will be demonstrated by a range of technical assessments undertaken to inform the proposed rezoning of the site and Concept Plan design.

Environmental investigations to date demonstrate that all potential adverse impacts of the project can be sustainably managed, resulting in significant social, environmental and economic benefits. Notwithstanding this, the environmental, social and economic factors arising from the project will be addressed in detail in the Concept Plan.

## 8 Conclusion

In conclusion Coal & Allied request that the Minister for Planning consider listing the subject land at Gwandalan as a State Significant Site (SSS) on Schedule 3 of the Major Development SEPP to introduce new zoning and planning controls for the Gwandalan site.

In accordance with Clause 6 of the Major Development SEPP and under the provisions of the Part 3A provisions of the EP& A Act, Coal & Allied formally seek the Minister's confirmation that the proposed development of Gwandalan for residential purposes is to be declared a Major Project, and that authorisation be given to submit a Concept Plan application for Gwandalan.

Coal & Allied also request the Director General issue Environmental Assessment Requirements for the proposal to assist in the preparation of the Environmental Assessment documentation for a Concept Plan approval and a State Significant Study.

This PEA report has been prepared to provide the Department of Planning with an understanding of the project and how it satisfies strategic planning policy. As identified in this report, the proposal satisfies a number of the key directions and actions of the CCRS, LHRS and LHRCP.

The Gwandalan site will achieve substantial conservation outcomes through the proposed dedication of 205.75ha of conservation land.

In summary, the proposed Gwandalan project will:

- Conserve in perpetuity key strategic parcels of land that complete long sought-after regional biodiversity conservation corridors and buffer areas.
- Preserve the ecologically significant Strangers Gully wetland.
- Improve public access to and along the foreshore.
- Incorporate water sensitive urban design features into the development.
- Protect sensitive lake foreshore areas.
- Protect areas of aboriginal cultural significance along the foreshore that contains middens.
- Retain vegetation around the perimeter of the site to reinforce the existing local bushland setting.
- Respect the existing township through the establishment of urban design guidelines for new housing, addressing proportion, size and landscape elements.
- Provide housing to help achieve the Lower Hunter and Central Coast Regional Strategy's dwelling targets to cater for the predicted population growth for the Regions until 2031.

In summary, the Gwandalan proposal is of clear significance to the region and state in terms of its significant delivery of environmental gain from the proposed conservation land dedication and the implementation of the objectives of the CCRS, LHRS and LHRCP. For these reasons, we conclude that there is sufficient planning merit and community benefit for the Minister to consider listing the site as a State Significant Site, determine that Part 3A of the EP&A Act applies, authorise the proponent to prepare a Concept Plan application and issue Director General requirements for Gwandalan.

## CONCLUSION

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